

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

ELMHURST DAIRY, INC.,

Employer/Respondent,

-and-

MILK WAGON DRIVERS AND DAIRY
EMPLOYEES LOCAL 584, I.B.T.

Union/Charging Party.

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

Case No. 29-CA-090017

PLEASE TAKE NOTICE, that upon the attached Affirmation of Robert A. Doren, Eq., sworn to December 21, 2012, with attached Exhibits, along with the accompanying Memorandum of Law, Respondent, Elmhurst Dairy, Inc., hereby moves for an entry of summary judgment pursuant to Section 102.24 of the Rules and Regulations of the National Labor Relations Board.

Dated: December 21, 2012

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC

By: /s/ Robert A. Doren

Robert A. Doren, Esq.

Key Center, 40 Fountain Plaza, Suite 600
Buffalo, New York 14202

Tel: (716) 566-2833

Fax: (716) 566-2834

E-mail: rdoren@bsk.com

Attorneys for Respondent Elmhurst Dairy, Inc.

TO: James G. Paulsen
Regional Director
National Labor Relations Board
Region 29
Two MetroTech Center, 5th Floor
Brooklyn, New York 11201
Tel: (718) 330-7700
Fax: (718) 330-7579

Stephen H. Kahn, Esq.
Kahn Opton, LLP
1 Parker Plz
Fort Lee, NJ 07024-2920
Tel: (201) 947-9200
Fax: (201) 402-6878

John T. Driscoll Esq.
John T. Driscoll P.C.
300 East 42nd Street, 10th floor
New York NY 10017
Tel: (212) 599-9000
Fax: (212) 972-9609

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 29**

ELMHURST DAIRY, INC.,

Respondent,

v.

MILK WAGON DRIVERS AND DAIRY
EMPLOYEES, LOCAL 584, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,

Charging Party.

AFFIDAVIT OF SERVICE

Case No. 29-CA-090017

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

Deborah L. Ostaszewicz, being duly sworn, deposes and says that she is over 18 years of age and not a party to this action; that on the 21st day of December, 2012, a true and accurate copy of the *Notice of Motion for Summary Judgment, Affirmation of Robert A. Doren with Exhibits, and Memorandum of Law* were electronically filed through the National Labor Relations Board's electronic filing system and that copies were served upon the following individuals by first-class mail, addressed as follows:

James G. Paulsen
Regional Director
National Labor Relations Board
Region 29
Two MetroTech Center, 5th Floor
Brooklyn, New York 11201
Tel: (718) 330-7700

Stephen H. Kahn, Esq.
Kahn Opton, LLP
1 Parker Plz
Fort Lee, NJ 07024-2920
Tel: (201) 947-9200

John T. Driscoll Esq.
John T. Driscoll P.C.
300 East 42nd Street, 10th floor
New York NY 10017
Tel: (212) 599-9000

/s/ Deborah L. Ostaszewicz

Deborah L. Ostaszewicz

Subscribed and sworn to before
me this 21st day of December, 2012

/s/ Linda M. Grandinetti
Notary Public

Linda M. Grandinetti
Notary Public, State of New York
Qual. In Erie County No. 01GR4794200
Commission Expires Nov. 30, 2013